

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
NMT MEDICAL, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 04cv12565NG
)	
AGA MEDICAL CORPORATION,)	
)	
Defendant.)	
_____)	

**NOTICE OF WITHDRAWAL OF DEFENDANT AGA MEDICAL CORP.'S MOTION
TO DISMISS OR, IN THE ALTERNATIVE, TO TRANSFER VENUE TO THE U.S.
DISTRICT COURT FOR THE DISTRICT OF MINNESOTA**

Defendant AGA Medical Corp. ("AGA"), by and through its undersigned counsel, hereby withdraws its Motion to Dismiss Or, in the Alternative, to Transfer Venue to the U.S. District Court for the District of Minnesota, filed herein on or about March 9, 2005 ("AGA's Motion to Dismiss").

On May 27, 2005, Chief Judge James M. Rosenbaum of the U.S. District Court for the District of Minnesota, in the related declaratory judgment action filed by AGA there, *AGA Medical Corporation v. Nitinol Medical Technologies, Inc. et al.*, Civil Action No. 04-CV-4486, granted Nitinol Medical Technologies, Inc. et al.'s Motion to Transfer Venue in that action to

this district. Because that action will be transferred to this district for consolidation with this action, AGA withdraws its Motion to Dismiss.

Respectfully submitted,

AGA MEDICAL CORPORATION
By Its Attorneys

Dated: June 1, 2005

/s/ Thomas C. O'Konski
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